

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

IN RE:

DAREL EUGENE TAYLOR,

DEBTOR.

**Case No.: BK-15-80968- TRC
Chapter 13**

**MOTION FOR RELIEF FROM AUTOMATIC STAY AND ABANDONMENT OF
PROPERTY AND BRIEF IN SUPPORT THEREOF AND NOTICE OF OPPORTUNITY
FOR HEARING**

COMES NOW JAMES B. NUTTER & COMPANY, (hereinafter referred to as Movant) and pursuant to the provisions of Title 11 U.S.C. Section 361, 362 and 554, moves the Court to grant it relief from the automatic stay and order of abandonment of the subject property, or in the alternative, to require Debtor to provide adequate protection of Movant's interest in certain collateral. In support of its Motion, Movant alleges and states as follows:

1. That the original makers, for a good and valuable consideration, made, executed and delivered to the Payee, a certain promissory note; a true copy of said note is hereto attached, marked Exhibit "A", and made a part hereof.

2. As a part of the same transaction, and to secure the payment of said note and the indebtedness represented thereby, the said makers, being then the owners of the real estate hereinafter described, made, executed and delivered to the Payee, a real estate mortgage in writing and therein and thereby mortgaged and conveyed to said mortgagee the following described real estate situated in Pontotoc County, State of Oklahoma, to-wit:

A tract of land located in the N/2 of NE/4 of SE/4 of Section 31, Township 4 North, Range 7 East, Pontotoc County, State of Oklahoma, more particularly described, as follows: Beginning at a point on the North line of the SE/4 of Section 31, Township 4 North, Range 7 East, said point being S 89°51'01" W a distance of 428.88 feet

from the Northeast corner of the SE/4 of said Section 31, Township 4 North, Range 7 East; thence S 89°51'01" W along the North line of SE/4 of said Section 31, a distance of 268.00 feet; thence S 00°03'12" E a distance of 360.00 feet; thence N 89°51'03" E a distance of 331.38 feet to a point, said point being a P.O.C. on a curve to the left having a radius of 1909.86 feet, central angle of 10°58'47", thence Northwesterly along said curve a distance of 365.99 feet to the point of beginning a/k/a 14563 County Road 3599, Ada, OK 74820-3149;

with the buildings and improvements and the appurtenances, hereditaments and all other rights thereunto appertaining or belonging, and all fixtures then or thereafter attached or used in connection with said premises. A true and correct copy of said mortgage is attached hereto, marked Exhibit "B", and made a part hereof.

3. Movant is duly authorized to bring this action.

4. Default has been made upon said note and mortgage. As of February 9, 2016, the note has an outstanding principal balance of \$173,486.35 plus accruing interest, attorney fees, costs and expenses, and other allowable charges. The Debtor has failed to maintain insurance on the property as required by the Note.

5. Movant will suffer irreparable injury, loss and damage unless the automatic stay is terminated so as to permit Movant to commence with foreclosure action.

6. This property is burdensome to the estate.

7. The mortgage of Movant constitutes a valid lien against the mortgage property, prior and superior to any right, title, lien, estate or interest of the Debtor or Estate.

WHEREFORE, Movant requests that Movant, through its agents, servicers and representatives is permitted to contact Debtor(s) and/or Debtor(s') counsel for the purpose of engaging in discussions and consideration for possible loss mitigation options, solutions and/or resolutions with regard to the underlying mortgage and note, including, but not limited to loan modification or other loss mitigation alternatives.

WHEREFORE, Movant prays this Court enter an Order vacating or modifying the automatic stay herein; directing the Trustee herein to abandon the mortgaged property; and for such further relief as this Court deems appropriate.

JAMES B. NUTTER & COMPANY,

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